

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

HELEN POLITZ

PLAINTIFF

v.

Civil Action No.: 1:08cv18-LTS-RHW

**NATIONWIDE MUTUAL FIRE
INSURANCE COMPANY, U.S. SMALL
BUSINESS ADMINISTRATION, AND
JOHN DOES 1 THROUGH 10**

DEFENDANTS

**NATIONWIDE MUTUAL FIRE INSURANCE COMPANY'S
RESPONSE TO PLAINTIFF'S MOTION TO SEAL EXHIBIT "2" [DKT. 421]**

COMES NOW Defendant Nationwide Mutual Fire Insurance Company ("Nationwide"), by and through counsel, and files this Response To Plaintiff's Motion To Seal Exhibit "2." In response to Plaintiff's Motion, Nationwide states as follows:

1. On August 3, 2009, Nationwide filed its Second Supplemental Motion For Summary Judgment. (*See Aug. 3, 2009 Nationwide Mut. Fire Ins. Co. 2d. Supplemental Mot. For Summ. J. and Mem. of Auths. in Supp. (Dkts. 404, 405).*) On the same day, Nationwide also filed a Motion To File Documents Under Seal, requesting that this Court seal Plaintiff's July 21, 2009 deposition, which otherwise would have been filed as Exhibit No. 2 to Nationwide's Supplemental Motion For Summary Judgment. (*See Aug. 3, 2009 Nationwide Mut. Fire Ins. Co. Mot. to file Docs. Under Seal (Dkt. 402).*) Although Nationwide did not believe that Exhibit 2 contained "sensitive information" as the term is strictly defined under Uniform Local Rule 8.1, Nationwide explained that it was seeking to file the deposition under seal out of an abundance of caution because it contained sensitive personal information about Plaintiff's childhood. Counsel for Nationwide consulted with Plaintiff's counsel, and the parties agreed that filing the deposition under seal would be an appropriate course of action.

2. On August 20, 2009, before Nationwide filed its Reply In Support Of Its Second Supplemental Motion For Summary Judgment, this Court denied the Motion To File Documents Under Seal. (*See* Aug. 20, 2009 Order at 3 (Dkt. 415).) On August 27, 2009, Nationwide filed its reply brief, which also cited to Plaintiff's July 21, 2009 deposition. In light of the Court's earlier denial of the Motion To File Documents Under Seal, Nationwide attached Plaintiff's deposition as Exhibit 2. Plaintiff then filed her Motion To Seal Exhibit "2" on August 28, 2009. (*See* Aug. 28, 2009 Mot. to Seal Exhibit "2" to Nationwide's Reply to Resp. to Mot. [404] Mot. for Summ. J. (Second Supplemental) (Dkt. 421).)

3. As an initial matter, Nationwide respectfully submits that Plaintiff's motion is moot. The Court has already considered and denied the parties' request to allow Plaintiff's deposition to be filed under seal. If, however, the Court intends to treat Plaintiff's Motion as a request for reconsideration of that issue, Nationwide respectfully submits that it has no objection to Exhibit 2 being filed under seal at this stage of the proceedings.

4. Because all relevant legal authorities have been provided in this Response, Nationwide respectfully requests that the Court waive its usual requirement that a separate memorandum of authorities to be filed. *See* Uniform Local Rule 7.2.

THIS, the 14th day of September, 2009.

Respectfully submitted,

NATIONWIDE MUTUAL FIRE
INSURANCE COMPANY, Defendant

By Its Attorneys,
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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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This, the 14th day of September, 2009.

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